

REMARKS

Claims 1-17 are pending in the application and stand rejected.

Request for Withdrawal of Finality

Applicant respectfully requests that the Examiner reconsider and withdraw the final nature of the pending office action pursuant to MPEP §706.07(d). The Examiner initially rejected all of the claims over the Blanchard reference. Now Blanchard is not being relied upon for rejection of any claim in the case. Applicant submits that a final action is premature here since the Examiner has imposed a new ground for rejection that is based entirely upon newly cited art. The Parsons, Ulbrecht, and Field are all newly cited references that were not previously of record.

A second or any subsequent action on the merits in any application . . . should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have expected to be claimed.

MPEP §706.07(a). Applicant's amendments of the claims in response to Blanchard were reasonably expected since the column assembly element added to independent claims 1 and 14 was already present in other originally-filed claims (see claims 6 and 10). Applicant's amendment could not have necessitated the new grounds for rejection, as the Examiner suggests, because the column assembly element was claimed from the time the application was filed, and the Examiner had an opportunity during preparation of the first office action to search for and present art relating to the column assembly. However, no such art was cited in the first office action.

The imposition of a final action with new grounds rejection based on newly cited art is simply improper and denies Applicant a full and fair opportunity to respond to the new art. Applicant urges the Examiner to reconsider her position and remove the finality of the

rejection. In the expectation that Applicant's request will be granted, Applicant responds as follows to the new rejections of the present office action.

Rejection of Claims 1-5 and 7-12 under 35 U.S.C. §103 over Parsons and Ulbrecht

Claims 1-5 and 7-12 stand rejected for obviousness over a combination of the Parsons and Ulbrecht patents. The Examiner considers Parsons to show a floating structure having a floatable hull with an upper deck (20) and a column assembly (27) that is extendable and retractable below the hull. She admits that Parsons fails to teach other features of the claims, including a storage vessel for the storage of materials from the group consisting of hydrocarbon gas and solid hydrocarbon hydrates, disposal of the storage tank within and atop the floatable hull, and the storage vessel being surrounded by an environmental boundary, and so forth.

However, she considers Ulbrecht to teach a tanker for transportation of liquefied gases and having a plurality of storage vessels (3, 9) for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. The Examiner further considers Ulbrecht to teach storage vessels disposed within the floating hull (Figure 1) and on the upper deck (Figure 4) for ease of tank repair. She considers the storage tanks shown by Ulbrecht to have an environmental boundary in the form of an insulated shell and to teach prior knowledge of flushing an environmental boundary space between tank walls with inert gases to effect cooling the pressure of the gases being controlled by their confinement between the tank walls. With regard to claims 1, 3, 4, 5, 10, and 11, the Examiner has concluded that it would have been obvious to one of skill in the art to modify Parsons' floating structure to include a plurality of storage vessels in the hull or on the deck, as taught to be known by Ulbrecht, to provide for storage of hydrocarbon gas acquired by drilling operations. With regard to claims 1, 4, and 7-9, the Examiner has

concluded that it would have been obvious to one of skill in the art to further modify Parsons' floating structure to include a storage vessel surrounded by an environmental boundary with the temperature controlled via circulation of a fluid of desired temperature and pressure as taught to be known by Ulbrecht.

Applicant traverses the rejection with respect to the claims as amended herein. Applicant notes that claims 4, 5, 7 and 8 have been cancelled. With respect to independent claim 1, Applicant points out that the claim recites a floating structure wherein the storage vessel that is surrounded by an environmental boundary for control of temperature within the storage tank view circulation of fluid of a desired temperature within the boundary. This subject matter is not disclosed or suggested by a combination of Parsons and Ulbrecht. The prior art must suggest the desirability of the claimed combination. See MPEP §2143.01. Ulbrecht does precisely the opposite. Ulbrecht maintains that there are a number of disadvantages to the use of circulating fluid, such as inert gases, in a space surrounding the tank to maintain a desired temperature. See, e.g., Ulbrecht, col. 2, lines 35-62. Applicant submits that given Ulbrecht's explicit and lengthy teachings against the use of such a circulating fluid, anyone of skill in the art reading Ulbrecht would be motivated against that method of controlling the temperature of the fluid.

Independently, Applicant notes that the proposed combination of Parsons and Ulbrecht does not disclose or suggest the subject matter of dependent claim 9. Claim 9 recites a floating structure wherein pressure within the storage vessel is also controlled. At least the Ulbrecht reference specifically teaches against doing this. Ulbrecht notes that his invention relates to "a tanker for the transportation of liquefied gases, particularly methane, at approximately atmospheric pressure." Ulbrecht, col. 1, lines 23-25 (emphasis added).

Because the contents of the tank are at approximately atmospheric pressure, it does not appear that any measures are being taken to control the pressure within the tank.

Applicant further submits that the rejection of claims 10-12 is improper. Ulbrecht teaches storage vessels suitable for storing "liquefied gases, particularly methane, at approximately atmospheric pressure." Ulbrecht, col. 1, lines 22-26. Thus, the hydrocarbons being stored are in liquid form and are neither a hydrocarbon gas nor a solid hydrocarbon methane, as recited by the claims. There is no indication that the storage vessels of Ulbrecht would be suitable or capable of storing either hydrocarbon gases or solid hydrocarbon hydrates.

Rejection of Claims 1, 6, 10, and 13 under 35 U.S.C. §103 over Field and Ulbrecht

Claims 1, 6, 10 and 13 stand rejected for obviousness over a combination of the Field and Ulbrecht references. The Examiner considers Field to describe a floating structure having a floatable hull (28) with an upper deck and a column assembly (18, 22, and 23) that is extendable and retractable below the hull. She admits that Field does not disclose or suggest a storage vessel or vessels for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. She also admits that Field does not teach the storage vessels being disposed within column assembly. However, she contends that Ulbrecht teaches a tanker having a plurality of storage vessels (3, 9) for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. She also contends that Ulbrecht discloses storage vessels disposed within the hull and atop the hull as well as an environmental boundary in the form of an insulated shell. Further, she believes that Ulbrecht teaches the prior art knowledge of circulating fluid about the storage tank for controlling temperature within the storage tank.

Applicant traverses the rejection as it might apply to the claims 1 and 6 as amended herein. A combination of Ulbrecht with Field is no more able to reveal the subject matter of the claimed invention than the proposed combination of Ulbrecht with Parsons would. In both cases, Ulbrecht teaches against the use of circulating fluid about the storage tank for controlling temperature within the storage tank. Thus, the proposed combination should be considered unobvious. Applicant respectfully requests that the Examiner remove the rejection and pass the claims to issue.

With regard to dependent claim 6, Applicant disagrees with the Examiner's conclusion (page 7 of Office Action) that Ulbrecht teaches disposing at least one storage vessel within the column assembly of the floating platform. Ulbrecht's tanker does not include a column assembly that is retractable and extendable below the hull, and no portion of Ulbrecht suggests that storage tank might be placed there. The rejection of claim 6 is simply unfounded, and Applicant kindly requests that it be withdrawn.

With regard to the rejection of claims 10 and 11, Applicant points out that the proposed combination does not reveal at least the element of a storage vessel for storage of a material of the group consisting of hydrocarbon gas and solid hydrocarbon hydrates. As explained above, the hydrocarbons being stored in Ulbrecht are in liquid form and are neither a hydrocarbon gas nor a solid hydrocarbon methane, as recited by the claims. There is no indication that the storage vessels of Ulbrecht would be suitable or capable of storing either hydrocarbon gases or solid hydrocarbon hydrates.

Rejection of Claims 14-17 under 35 U.S.C. §103 over Field and Ulbrecht

Claims 14-17 (14-16 as amended) also stand rejected for obviousness in view of a combination of the Field and Ulbrecht references. The Examiner asserts that the subject matter of claims 14-16 is inherent to the combination of Field and Ulbrecht.

Applicant disagrees and traverses the rejection as it might apply to the claims as amended herein. As noted previously, the content of the Ulbrecht patent explicitly teaches against combining the references in the manner the Examiner suggests to create the subject matter of claims 14-16. As noted, Ulbrecht specifically teaches against the use of circulating fluid in an environmental boundary to control the temperature of the storage vessel. Since the references are not properly combinable, the steps of method claims 14-17 are not inherent. Applicant respectfully requests that the Examiner remove the rejection.

CONCLUSION

Applicant submits that the application is in allowable condition and urges the Examiner to pass the case to issue.

Respectfully submitted,

Dated: October 6, 2005



Shawn Hunter
Reg. No. 36,168
P.O. Box 270110
Houston, Texas 77277-0110
Telephone: 713-349-0766
Facsimile: 713-349-0796